REMARKS

The Applicants are filing this Amendment and Response in response to an Official Action dated December 29, 2006. At the time of the Official Action, claims 1-20 were pending. In this Response and Amendment, no claims are canceled or added. Accordingly, claims 1-20 remain currently pending. The Specification and claims 1, 8, 15 and 18-20 are amended. These amendments do not add any new matter.

In the Office Action, the Examiner objected to the specification as failing to include sections entitled "Background of The Invention" and "Brief Summary of the Invention." Claims 18-20 were rejected under 35 U.S.C. § 112, Second Paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 18-20 were also rejected under 35 U.S.C. §101 being directed to non-statutory subject matter. Claims 1-20 were rejected under 35 U.S.C. § 102 as being anticipated by Han et al. (Richard Han et al., *WebSplitter: A Unified XML Framework for Multi-Device Collaborative Web Browsing*, ACM Conference on Computer Supported Cooperative Work (CSCW), Dec. 2-6, 2000, hereinafter "Han"). Each of those objections and rejections is addressed below.

Objections To The Specification

The Examiner further objected to the specification as lacking a section entitled "Background of The Invention." Although Applicants do not concede the correctness

of this objection, Applicants have nonetheless amended the previous heading "Background of the Related Art" to "Background of the Invention" to further the prosecution of the application. The Applicants are aware of no authority for the Examiner's assertion that the Background of the Invention section must include subsections entitled "Field of the Invention" and "Description of Related Art including information disclosed under 37 C.F.R. § 1.97 and 1.98." Moreover, the Applicants are not required to include these subsections in the Background of the Invention section. Accordingly, Applicants respectfully request withdrawal of the objection to the Specification based on Applicants' failure to include a Background of the Invention Section.

In addition, the Applicants traverse the objection that the specification fails to contain a section entitled "Brief Summary of the Invention." Applicants are not aware of any law or regulation that requires a patent application to contain a section called "Summary of the Invention." The most relevant regulation is 37 C.F.R. § 1.73, which states:

> A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, *should* precede the detailed description. Such summary should, *when set forth,* be commensurate with the invention as claimed and any object recited should be that of the invention as claimed.
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> 37 C.F.R. § 1.73 (Emphasis added).

Additionally, 37 C.F.R. § 1.77, which was cited by the Examiner, indicates that the sections of the applications "should" be arranged in a particular order "if applicable." *See* 37 C.F.R. § 1.77. The failure of the regulations to require a

Summary of Invention section is apparent from the plain language of the regulations themselves. The fact that guidance is given for *when* a Summary of the Invention section is set forth clearly indicates that a Summary of the Invention Section is optional, not a requirement. Accordingly, Applicants respectfully request withdrawal of the objection to the specification for failure to include a Summary of the Invention section.

Rejection Under 35 U.S.C. § 112

With respect to the rejection of claims 18-20 under Section 112, Second Paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention, the Examiner stated that "[i]t is not known the meaning of the limitation 'program' in the preamble." While not conceding the correctness of the rejection, Applicants have nonetheless amended claims 18-20 to specifically recite "a tangible machine readable medium" to clarify the claimed subject matter. Because claims 18-20 no longer recite a "program," the Applicants respectfully request withdrawal of the rejection of those claims under Section 112, second paragraph.

Rejection Under 35 U.S.C. § 101

With respect to the rejection of claims 18-20 under Section 101 as being directed to non-statutory subject matter, the Examiner stated that "[c]laiming a program per se is not statutory as set forth under 35 U.S.C. § 101." Applicants respectfully traverse this rejection. As noted above in the discussion of the rejection

of claims 18-20 under Section 112, Second Paragraph, claims 18-20 have been

amended to recite a "tangible machine readable medium" rather than a "program" *per*

se. This claim structure has been expressly held to constitute statutory subject matter

under Section 101. *See In re Beauregard,* 53 F.3d 1583 (Fed Cir. 1995). Indeed, the

Beauregard case directly states that, "computer programs embodied in a tangible

medium…are patentable subject matter under 35 U.S.C. §101." *Id.* Accordingly,

because claims 18-20 recite, *inter alia,* "A tangible machine readable medium" that

stores executable code, Applicants assert that claims 18-20 are directed to patentable

subject matter under 35 U.S.C. §101. Accordingly, Applicants respectfully request

withdrawal of the rejection of claims 18-20 under Section 101.

Claim Rejection Under 35 U.S.C. § 102

As set forth above, the Examiner rejected claims 1-20 under Section 102(b) as

being anticipated by the Han et al. reference. With respect to independent claims 1, 8,

15 and 18, the Examiner stated:

> As per Claim 1: Han et al. discloses,
> A system for creating web applications, the system
> comprising: a controller generator that is adapted to provide
> a web application with a controller ('PROXY') that receives
> requests for data from users and responds to the requests by
> obtaining requested data (See Figure 5, PROXY receives
> request from creator's laptop and send response); and a
> navigation manager generator ('Lecturer/section
> creator/XML & Policy file') that is adapted to provide a
> navigation manager that recalls a user request upon
> completion of a prerequisite (p. 226, left col., sec. 3.1:The
> proxy registers itself (1) to the service discovery database
> so that a client can find the proxy (2). Next, the session
> creator clicks on the desired proxy's hyperlink (3) and the
> proxy returns a session login menu requesting the session
> name and URL of the first XML Web page (4). Then, the

proxy pulls the requested XML page (5) and its associated policy file (6) into the proxy. The proxy parses the XML page and policy file to create privilege groups (7), then sends to the <u>session creator a login menu requesting username and password</u> (8).' (the underscored phase reads prerequisite, because in XML document or HTML document (p.226: left col., first paragraph) this type login menu in a webpage is a tag "form").

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<u>As per Claim 8</u>: Han et al. discloses the claimed limitation as addressed in the rejection of Claim 1.

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<u>As per Claim 15</u>: Han et al. discloses, A system for creating web applications (e.g., the system seen in Figure 1, adaptable for using a Web document seen in Figure 2), the system comprising: means for creating a controller that provides control functions for a web application, the controller being adapted to receive requests (PROXY receives request from an end user) for data from users and respond to the requests by obtaining requested data; and means for setting navigational rules for the web application (the Web document response by PROXY/Web Server, having setting navigational rule) to track an intended path for subsequent recall (The document having header field that provide information, and HTTP response, e.g. PROXY/Web Server applies the path intended in the data1URL; this will provides subsequent recall) if redirected to an unintended path. See rationale addressed in the rejection of Claim 1, especially see sec. 4: Client-Side Functions.

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<u>As per Claim 18</u>: Han et al. discloses, A program for creating web applications, comprising: a machine readable medium; navigational control logic stored on the machine readable medium, the navigational control logic being adapted to provide a web application with the ability to save a user request upon identification of a prerequisite and to recall the user request upon completion of the prerequisite.

Office Action, pp. 4-7 (Emphasis in Original).

Applicants respectfully traverse the rejection. Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). In order to maintain a proper rejection under section 102, a single reference must teach each and every element or step of the rejected claim, else the reference falls under section 103. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, the Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the *identical* invention *"in as complete detail as contained in the ... claim"* to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989).

The rejection of independent claims 1, 8, 15 and 18 under Section 102 as being anticipated by the Han et al. reference is improper because Han et al. does not show each and every element recited in the claims. Independent claims 1, 8, and 15 recite methods and systems for creating web applications having a controller generator for providing an application with a controller that receives requests for data from users. The above claims further recite a navigation manager or code adapted to "save a user's intended destination and subsequently recall that information to redirect the user back to the intended destination." (Emphasis added.) In addition, independent claim 18 recites a tangible machine readable medium comprising "code that is adapted

<u>to save a user's intended destination and subsequently recall that information to</u>

<u>redirect the user back to the intended destination</u> upon completion of the prerequisite."

In contrast, the Han et al. reference clearly fails to disclose the recited subject

matter of independent claims 1, 8, 15 and 18. First, the Applicants note that Han et al.

discloses a system for creating personalized partial views of the same Web page,

based on a user's access privileges (Han et al., page 221). The Examiner points to

Fig. 1 on page 222 of Han as illustrating a "system for creating web applications."

However, Han states that:

> Figure 1 illustrates integrated multi-user multi-device Web
> browsing. The session presenter in the upper right requests
> a Web page whose contents are then split to multiple
> participants in a joint browsing session.

> Han, page 222.

In other words, Figure 1 discloses a system for creating different views on multiple

output devices. This is completely different from the system for creating web

applications recited in the claims above. As will be appreciated by one skilled in the

art, independent claims 1, 8, 15, and 18 recite an architecture in which a user's

intended destination is saved so that the user may be redirected to that location after

completion of other activities. This is not disclosed by Han. Instead, Han discloses a

single application for creating various views of the same document.

Moreover, Han discloses a proxy that pulls a partial view based on specific

completion of a prerequisite by a user (i.e. username and password) (Han, page 226).

In other words, Han discloses only one intended destination by the user, namely, the

partial view corresponding to a specific prerequisite completion. Since the user's

intended destination is the partial view corresponding to the login (prerequisite) that

was entered, there is no need to save the user's intended destination for redirection to

another, previous path. Thus, Han fails to disclose a navigation manager that saves a

user's intended destination and is capable of redirecting the user back to the intended

destination.

For at least these reasons, Applicants respectfully submit that independent

claims 1, 8, 15, and 18 (and the claims dependent thereon) are not anticipated by the

Han reference. Accordingly, the Applicant respectfully requests the withdrawal of the

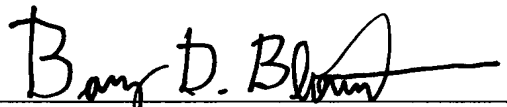rejection of claims 1-20 under Section 102 based on Han et al.

Conclusion

In view of the remarks set forth above, the Applicants respectfully request reconsideration of the Examiner's rejections and allowance of all pending claims 1-20. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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